

Message Text

SECRET

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ORIGIN NEA-10

INFO OCT-01 ISO-00 PM-04 L-03 INR-07 SS-15 SP-02
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DRAFTED BY NEA/ARP:JPLYLE:LB
APPROVED BY NEA/ARP:JWTTWINAM
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O 302048Z APR 77 ZFF4
FM SECSTATE WASHDC
TO AMEMBASSY MANAMA NIACT IMMEDIATE

S E C R E T STATE 098426

STADIS/////////
FOR AMBASSADOR FROM NEA/ARP AND PM/ISO

E.O. 11652: GDS

TAGS: MORG, PFOR, BA

SUBJECT: MIDEASTFOR NEGOTIATIONS: STATUS REPORT
REFERENCE: MANAMA 935

1. WE ARE NOW AT POLICY MAKING LEVEL IN SEEKING DECISION
ON WHETHER TO PURSUE NEGOTIATIONS WITH THE GOB FOR CONCLU-
SION OF A NEW FORMAT FOR MIDDLE EAST FORCE. IF POSITIVE
DECISION IS MADE, WE ANTICIPATE YOU WILL HAVE CIRCULAR 175
AUTHORIZATION TO NEGOTIATE IN VERY NEAR FUTURE. IF BAHRAINI
OFFICIALS CONTINUE TO PRESS YOU TO BEGIN NEGOTIATIONS
(REFTEL), YOU WILL SIMPLY HAVE TO --PLY THAT YOU ARE AWAIT-
ING "POWERS" FROM YOUR GOVERNMENT AND UNTIL YOU HAVE AUTHOR-
IZATION, NEGOTIATIONS CANNOT BEGIN.

2. BEGIN FYI: AFTER CAREFUL EXAMINATION OF LEGAL, POLIT-
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ICAL AND OPERATIONAL QUESTIONS, STATE-DOD AT WORKING LEVEL
HAVE AGREED ON A PROPOSED APPROACH TO FORMALIZING NEW
ARRANGEMENT GOB DESIRES. THIS WOULD INVOLVE THE EXCHANGE
OF TWO DIPLOMATIC NOTES WITH THE GOB. THE FIRST PROPOSED
NOTE WOULD TERMINATE THE PRESENT MIDDLE EAST FORCE DEPLOY-
MENT AGREEMENT AND COULD BE PUBLICIZED BY GOB AS IT SAW FIT.

3. THE SECOND NOTE WOULD PROVIDE BASIS FOR FUTURE ARRANGEMENTS WITHOUT SPELLING THEM OUT. THIS NOTE WOULD CONSTITUTE AN INTERNATIONAL AGREEMENT WHICH WOULD BE TREATED IN

USG UNDER PROVISIONS OF THE CASE ACT. IT WOULD BE PUBLISHED IN OUR TIAS SERIES. THE GOB, OF COURSE, WOULD BE FREE TO HANDLE THIS NOTE AS IT SEES FIT.

4. THIS SECOND DIPLOMATIC NOTE WOULD ALLUDE TO A THIRD DOCUMENT, A REVISED DOD/GOB LEASE. OUR OBJECTIVE WOULD BE TO MAKE LEASE MORE SPECIFIC THAN BUT SUBORDINATE TO THE SECOND NOTE, AND, AS AN IMPLEMENTING AGREEMENT, NOT SUBJECT TO CASE ACT PROCEDURES OR BEING PUBLISHED IN TIAS. OBVIOUSLY, FINAL DETERMINATION CANNOT BE MADE UNTIL NEGOTIATIONS WITH THE GOB HAVE YIELDED AN AD REFERENDUM LEASE. IT IS OUR INTENTION, IN ANY EVENT, TO MAKE THE TEXT OF LEASE AVAILABLE TO CONGRESS. IF THE PROVISIONS IN THE NEGOTIATED LEASE ARE JUDGED SUFFICIENTLY SIGNIFICANT TO CAUSE THAT DOCUMENT TO BE CONSIDERED AN INTERNATIONAL AGREEMENT, THEN IT TOO WOULD BE HANDLED UNDER THE CASE ACT AND PUBLISHED IN TIAS.

5. TO EXPEDITE NEGOTIATIONS, SHOULD CIRCULAR 175 AUTHORIZATION BE APPROVED, WE ARE TRANSMITTING THE WORKING LEVEL DRAFTS OF THE TWO NOTES REFERRED TO ABOVE. IN CONSIDERING ANY SUGGESTIONS FOR CHANGES, PLEASE KEEP IN MIND THAT THE LANGUAGE IN THESE DOCUMENTS HAS BEEN PAINSTAKINGLY AGREED BETWEEN STATE AND DOD WORKING LEVELS AND THERE IS LITTLE LEEWAY FOR SIGNIFICANT CHANGE. END FYI.

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6. BEGIN DRAFT TEXT NOTE NO. 1: EXCELLENCY: I HAVE THE HONOR TO REFER TO THE RECENT DISCUSSIONS BETWEEN REPRESENTATIVES OF OUR TWO GOVERNMENTS CONCERNING THE UNITED STATES MIDDLE EAST FORCE, AND THE AGREEMENT REACHED THEREON.

THE AGREEMENT REACHED BY OUR REPRESENTATIVES IS AS FOLLOWS:

- 1) THE AGREEMENT OF DECEMBER 23, 1971, BETWEEN OUR TWO GOVERNMENTS WILL BE TERMINATED.
- 2) THE UNITED STATES MIDDLE EAST FORCE WILL NO LONGER BE DEPLOYED IN BAHRAIN AND ITS FLAGSHIP AND PERSONNEL WILL NO LONGER BE HOMEPORTED IN BAHRAIN.
- 3) PARAGRAPHS 1 AND 2 ABOVE WILL BE EFFECTIVE AS OF

JUNE 30, 1977.

IF THE FOREGOING IS ACCEPTABLE TO THE GOVERNMENT OF BAHRAIN, I HAVE THE HONOR TO PROPOSE THAT THIS NOTE AND YOUR NOTE IN REPLY CONFIRMING ITS ACCEPTANCE WILL CONSTITUTE AN AGREEMENT BETWEEN OUR RESPECTIVE GOVERNMENTS REGARDING THIS MATTER. END DRAFT TEXT NOTE NO. 1.

7. BEGIN DRAFT TEXT NOTE NO. 2: EXCELLENCY: I HAVE THE HONOR TO REFER TO RECENT DISCUSSIONS BETWEEN OUR TWO GOVERNMENTS CULMINATING IN THE DECISION TO TERMINATE, AS OF JUNE 30, 1977, THE AGREEMENT OF DECEMBER 23, 1971, CONCERNING THE DEPLOYMENT OF UNITED STATES FORCES TO BAHRAIN.

MY GOVERNMENT PROPOSES THAT WITH RESPECT TO THE STATUS OF ANY U.S. DEPARTMENT OF DEFENSE PERSONNEL RESIDING IN OR
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VISITING BAHRAIN AFTER JUNE 30, 1977, INCLUDING THOSE ATTACHED TO THE (DOD SCHOOL IN BAHRAIN), THE APPROPRIATE PROVISIONS OF THE DECEMBER 23 AGREEMENT WILL CONTINUE TO APPLY NOTWITHSTANDING THE FACT THAT THE AGREEMENT ITSELF HAS BEEN TERMINATED. SPECIFICALLY, THE APPROPRIATE PROVISIONS ARE ARTICLES 2 THROUGH 12 OF THE AGREEMENT AND THE PROCEDURES FOR IMPLEMENTING ARTICLES 8 AND 11 THEREOF, AS CONTAINED IN THE EXCHANGE OF NOTES BETWEEN OUR TWO GOVERNMENTS JULY 31, 1975.

MY GOVERNMENT FURTHER PROPOSES THAT OUR TWO GOVERNMENTS ENTER INTO ADMINISTRATIVE ARRANGEMENTS WHICH WILL CONFIRM THE AUTHORIZATION OF YOUR GOVERNMENT FOR VISITS OF ELEMENTS OF THE DEPARTMENT OF DEFENSE TO BAHRAIN AND FOR ADMINISTRATIVE SUPPORT OF DEPARTMENT OF DEFENSE PERSONNEL PERFORMING TASKS RELATED TO BAHRAIN, AND WHICH WILL PROVIDE FOR COMPENSATION TO BAHRAIN IN CONSIDERATION OF THE USE OF FACILITIES FOR THESE PURPOSES. END DRAFT TEXT NOTE NO. 2.

CHRISTOPHER

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